

Entered - 3-2-01 - sb
CL - 01L0156 ALEXIS HOLMES

01- R -1245

CLAIM OF: **WHITE AND ASSOCIATES**
C/O JERRY SHAFER
3225 Roswell Road, Suite 400
Atlanta, Georgia 30305

For damages alleged to have been sustained as a result of a vehicular accident on February 12, 2001 at 1067 Alta Avenue.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **WHITE & ASSOCIATES REAL ESTATE C/O JERRY SHAFER** the sum of **\$920.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character **for damages alleged to have been sustained as a result of a vehicular accident on February 12, 2001 at 1067 Alta Avenue** as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0156

Date: 2/26/01

Claimant /Victim WHITE & ASSOCIATES REAL ESTATE C/O JERRY SHAFER

BY: (Atty) _____

Address: 3235 Roswell Road Suite 400 Atlanta, Georgia 30305

Subrogation: _____ Claim for Property damage \$ 920.00 Bodily Injury \$ _____

Date of Notice: 9/21/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 2/12/01 Place: 1067 Alta Avenue

Department Public Works Division: Solid Waste

Employee involved Josephus Darden Disciplinary Action: Pending

NATURE OF CLAIM: The claimant sustained damages to its property when the driver of a City vehicle stopped to pick up a co-worker, and backed into the awning on the claimant's building.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other _____ Written _____ Oral _____

Pictures X Diagrams X Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 920.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 07-17-01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE CLAIM FOR DAMAGES

Today's Date 2/24/01

FEB 26 2001

Dear Clerk of Council:

ENTERED - 3-2-01 - SB
01L0156 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 920.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of Incident: 2/12/01
(month/day/year)

2. Police called: ✓
Yes No

3. Location of Incident: 1067 ALTA AVE. ATL., GA. 30307

4. Name of your insurance company: _____ Policy No. _____

5. State what and how incident occurred: CITY OF ATL. SANITATION TRUCK
BACKED INTO APT. BUILDING PARKING
INMAN HILLS APARTMENTS

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(make) (year) (tag number) (driver's name)

City vehicle: SANITATION TRUCK # M32101-18449
(make) (City driver's name) (department/bureau)

8. Witness: (RESIDENT) LEE YAWN 1067 ALTA AVE. N.E. #20
(name) (address) (telephone number)

9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

JERRY SHAFER - PROPERTY MANAGER
(claimant's name)
3235 ROSWELL RD. SUITE 400
(address)
ATL. GA. 30305
(city and state)
(404) 846-8170 (404) 364-0000
(work number) (home number) ext. 28

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0156

\$ 920.00

IN CONSIDERATION of the sum of NINE HUNDRED AND TWENTY AND 00/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to Josephus Darden, from any and all
claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or
on account of anything that has heretofore occurred, and particularly for or on account of vehicular incident
which occurred on or about the 12th day of February, 2001
at or near 1067 Alta Avenue

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this

19th

day of

July

, 20 01

Jerry Shafer (LS)
WHITE AND ASSOCIATES, c/o JERRY SHAFER

The above release was read and explained to, and signed by the said

Jerry Shafer

in our presence on the date above written.

Annunzio Knigun

WITNESSES